



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: JAMES M. LIPTON *ET AL.*

APPLICATION NO.: 10/714,343

FILED: NOVEMBER 14, 2003

FOR: **MODIFIED ALPHA-MSH PEPTIDES AND
DERIVATIVES THEREOF**

EXAMINER:

ART UNIT: 1654

CONF. NO: 4070

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. Timing of Submission

This information disclosure is being filed within three months of the filing date of this application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever occurs last [37 C.F.R. § 1.97(b)]. The references listed on the enclosed Form PTO-1449 (modified) may be material to the examination of this application; the Examiner is requested to make them of record in the application.

2. Cited Information

Copies of all references are enclosed. Where indicated by the words "[Abstract only]", only the Abstract portion of the cited reference is enclosed.

3. Effect of Information Disclosure Statement (37 C.F.R. § 1.97(h))

This Information Disclosure Statement is not to be construed as a representation that: (i) a search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the

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August 6, 2004
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cited information is, or is considered to be, material to patentability. In addition, applicant does not admit that any enclosed item of information constitutes prior art to the subject invention and specifically reserves the right to demonstrate that any such reference is not prior art.

4. Fee Payment

No fees are believed due because this Information Disclosure Statement is being filed before the mailing date of the first Office Action.

However, should the Commissioner determine that fees are due in order for this Information Disclosure Statement to be considered, the Commissioner is hereby authorized to charge such fees to Deposit Account No. 50-2586.

Dated: 8/6/04, 2004

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Respectfully submitted,

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Form PTO-1449 (Modified)
(Use several sheets if necessary)

COMPLETE IF KNOWN

Application Number	10/714,343
Confirmation Number	4070
Filing Date	November 14, 2003
First Named Inventor	James M. Lipton
Group Art Unit	1654
Examiner Name	Not yet assigned
Attorney Docket No.	54275.8016.US01

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No.	U.S. Patent or Application		Name of Patentee or Inventor of Cited Document	Date of Publication or Filing Date of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		NUMBER	Kind Code (if known)			
	AA	5,028,592		Lipton	08/05/88	
	AB	5,157,023		Lipton	03/21/91	
	AC	6,204,243 B1		Posanski	09/28/99	

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No.	Foreign Patent or Application			Name of Patentee or Applicant of Cited Document	Date of Publication or Filing Date of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T
		Office	NUMBER	Kind Code (if known)				

OTHER PRIOR ART-NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume issue number(s), publisher, city and/or country where published.		
	AD	"Sexually Transmitted Disease: Surveillance 1997," <i>U.S. Department of Health and Human Services, Public Health Service, Centers for Disease Control and Prevention, National Center for HIV, STD and TB Prevention</i> (September 1998). [Abstract only] .		
	AE	"Antimicrobial Resistance," National Institute of Allergy and Infectious Diseases, National Institutes of Health (NIH), Bethesda, MD (June 2000).		
	AF	Boman <i>et al.</i> , "Mechanisms of Action on <i>Escherichia coli</i> of Cecropin P1 and PR-39, Two Antibacterial Peptides from Pig Intestine," <i>Infection and Immunity</i> 61: 2978-2984 (July 1993).		
	AG	Catania <i>et al.</i> , " α -Melanocyte Stimulating Hormone in the Modulation of Host Reactions," <i>Endocr Rev.</i> 14: 564-576 (1993).		
	AH	"Campaign to Prevent Antimicrobial Resistance in Healthcare Settings," Centers for Disease Control (2002). [Abstract only] .		

EXAMINER	DATE CONSIDERED
<p>*EXAMINER: Initial if reference considered, whether or not criteria is in conformance with MPEP 609. Draw line through citation if not in conformance <u>and</u> not considered. Include copy of this form with next communication to application(s).</p>	

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Sheet	2	of	3	Attorney Docket No.	54275.8016.US01

OTHER PRIOR ART-NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume issue number(s), publisher, city and/or country where published.	T
	AI	Cutuli <i>et al.</i> , "Antimicrobial Effects of α -MSH Peptides," <i>J Leukoc Biol.</i> 67: 233-239 (2000).	
	AJ	Eberle, <u>The Melanotropins -- Chemistry, Physiology and Mechanisms of Action</u> , Karger, Basel, Switzerland (1998).	
	AK	Ellis, "Amphotericin B: spectrum and resistance," <i>J Antimicrob Chemother.</i> 49 Supp.1: 7-10 (2002).	
	AL	Fox <i>et al.</i> , "Immunoreactive α -Melanocyte Stimulating Hormone, Its Distribution in the Gastrointestinal Tract of Intact and Hypophysectomized Rats," <i>Life. Sciences</i> 28: 2127-2132 (1981).	
	AM	Hiltz <i>et al.</i> , "Antiinflammatory activity of a COOH-terminal fragment of the neuropeptide α -MSH," <i>FASEB J.</i> 3: 2282-2284 (1989).	
	AN	Khurshid <i>et al.</i> , "Staphylococcus aureus with reduced susceptibility to vancomycin - Illinois, 1999," <i>Morb Mortal Wkly Rep.</i> 48(51-52): 1165-1167 (2000). [Abstract only] .	
	AO	Lipton <i>et al.</i> , "Anti-Inflammatory actions of the neuroimmunomodulator α -MSH." <i>Immunol Today</i> 18: 140-45 (1997).	
	AP	Lipton <i>et al.</i> , "Antiinflammatory Effects of the Neuropeptide α -MSH in Acute, Chronic, and Systemic Inflammation," <i>Ann N Y Acad Sci.</i> 741: 137-148 (1994).	
	AQ	Martin <i>et al.</i> , "Defensins and other endogenous peptide antibiotics of vertebrates," <i>J. Leukoc Biol.</i> 58(2): 128-136 (1995). [Abstract only] .	
	AR	Nordenberg, "Miracle Drugs vs. Superbugs, Preserving the Usefulness of Antibiotics," <i>FDA Consumer Article</i> (November-December 1998).	
	AS	Oren <i>et al.</i> , "A class of highly potent antibacterial peptides derived from pardaxin, a pore-forming peptide isolated from Moses sole fish <i>Pardachirus marmoratus</i> ," <i>Eur J Biochem.</i> 237: 303-310 (1996). [Abstract only] .	

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	AT	Rajora <i>et al.</i> , "α-MSH production, receptors, and influence on neopterin in a human monocyte/macrophage cell line," <i>J. Leukoc Biol.</i> 59: 248-253 (1996).		
	AU	Rajora <i>et al.</i> , "α-MSH Modulates Local and Circulating Tumor Necrosis Factor-α in Experimental Brain Inflammation," <i>J. Neurosci.</i> , 17(6): 2181-2186 (1997).		
	AV	<u>Remington's Pharmaceutical Sciences</u> (18 th Ed. Mack Publishing Co. 1990).		
	AW	Richards <i>et al.</i> , "Effect of α-MSH 11-13 (Lysine-Proline-Valine) on Fever in the Rabbit," <i>Peptides</i> 5: 815-817 (1984).		
	AX	Star <i>et al.</i> , "Evidence of autocrine modulation of macrophage nitric oxide synthase by α-MSH," <i>Proc Nat'l Acad Sci. (USA)</i> 92: 8016-8020 (1995).		
	AY	Thody <i>et al.</i> , "MSH Peptides are Present in Mammalian Skin," <i>Peptides</i> 4: 813-816 (1983).		
	AZ	Zasloff, "Antibiotic peptides as mediators of innate immunity," <i>Curr Opin Immunol.</i> 4(1): 3-7 (1992). [Abstract only] .		

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